

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KRISTIE BELL and JOAN LUPPE,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 2:12-cv-00929-CB
)	
NRG POWER MIDWEST, LP,)	Hon. Cathy Bissoon
f/k/a GENON POWER MIDWEST, L.P.)	
)	
Defendant.)	
)	
)	
)	
)	

STIPULATION OF DISMISSAL

COME NOW Plaintiff Kristie Bell and Defendant NRG Power Midwest, L.P.

("NRG"), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and state as follows:

WHEREAS Plaintiff Kristie Bell, together with Plaintiff Joan Luppe, filed suit against Cheswick Generating Station GenOn Power Midwest, L.P. ("NRG") on July 6, 2012, seeking to represent a putative class of all persons who reside within one mile of NRG's Cheswick Generating Station and asserting claims for negligence, nuisance, trespass, and strict liability;

WHEREAS on January 28, 2015, the Court granted NRG's Motion to Strike Class Allegations;

WHEREAS Plaintiff Luppe has failed to respond to discovery or otherwise prosecute this action such that on April 7, 2015 this Court issued an order requiring her to come forward by April 24, 2015 and show cause why her claims should not be dismissed with prejudice;

WHEREAS Plaintiff Luppe did not respond to the Court's order;

WHEREAS on April 29, 2015, the Court entered an order dismissing Plaintiff Luppe from the

case with prejudice;

WHEREAS neither Plaintiff Bell nor Plaintiff Luppe has established any claims against NRG for personal injuries, property damage, or environmental contamination sufficient to constitute negligence, nuisance, trespass, or strict liability;

WHEREAS NRG has paid no money or other consideration to Bell, Luppe, or any other member of any putative class pled in this action related to the claims made in this action; and

WHEREAS Plaintiff Bell has not established that NRG has operated its Cheswick Generating Station improperly or outside of the limits imposed by its Title V permit;

WHEREFORE, NRG and Plaintiff Bell stipulate as follows:

Plaintiffs' Motion for Leave to File Amended Class Action Complaint (Docket No. 49) is withdrawn;

Plaintiff Bell's claims against NRG are dismissed with prejudice by agreement;

All parties are to bear their own costs and attorney's fees;

NRG and Bell mutually agree that within 30 days of the filing of this stipulation Plaintiff Bell will return or destroy all copies of documents obtained from NRG in discovery in this action, with the exception of documents that have been filed with the Court or used as exhibits in depositions.

Dated: May 11, 2015

Respectfully submitted,

/s/ Nicholas A. Coulson

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